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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,226	06/26/2006	Kazuo Kuroda	8048-1157	4095
466 7590 07/03/2008 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 07/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,226

Applicant(s)

KURODA ET AL.

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 14-27 are rejected under 35 U.S.C. 102(b) as being anticipated by
Araki et al. (US 2002/0110068).**

Regarding claim 14, Araki discloses an information recording apparatus for recording record information onto an information recording medium comprising:

a first recording layer on which the record information is recorded by irradiating thereon laser light (see Fig. 3, first layer 12); and

a second recording layer on which the record information is recorded by irradiating thereon the laser light through the first recording layer (see Fig. 3, second layer 14),

said information recording apparatus comprising:

a recording device for recording the record information into the first recording layer or the second recording layer by irradiating thereon the laser light (see Fig. 3, laser beam, first layer 12, second laser 14);

a first controlling device for controlling said recording device to record the record information into a first object area which is a recording area of the second recording layer which is irradiated with the laser light passing through a

recorded area of the first recording layer in which the record information is already recorded (see Fig. 3, area 31, layer 14); and

a second controlling device for controlling said recording device to record the record information into a second object area which is a recording area of the second recording layer which is irradiated with the laser light passing through an unrecorded area smaller than a predetermined width, out of an unrecorded area which are adjacent to the recorded area (see Fig. 3, areas 31, 32, layers 12, 14).

Regarding claim 15, discloses the information recording apparatus according to claim 14, wherein the unrecorded area is a border-in area, and said second controlling device controls said recording device to record the record information into the second object area which is irradiated with the laser light passing through the border-in area (see Fig. 3, area 33).

Regarding claims 16-21, discloses the information recording apparatus according to claim 14, further comprising a third controlling device for controlling said recording device to record the record information while preparing the unrecorded area having a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area following the recorded area; or the predetermined width is a numerical value determined by a recording unit of the record information; or the predetermined width is a numerical value determined depending on a radial position of the information recording medium; or the predetermined width

corresponds to a size of a beam radius of the laser light on the first recording layer in the case that the second recording layer is irradiated with the laser light; or the information recording medium has a record track on which the record information is recorded and which is distributed concentrically or spirally, and the numerical value is a data size of the record information which can be recorded onto the record track which is included in the predetermined width at least partially or a first storing device for storing therein size information for indicating the numerical value (see Fig. 3 and [0050]-[0057]); and said recording device records position information for indicating a position of the unrecorded area, onto the information recording medium (see Fig. 3, element 33).

Regarding claims 23-25, discloses the information recording apparatus according to claim 14, further comprising a fourth controlling device for controlling said recording device to record the record information while preparing a plurality of unrecorded areas, each of which has a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area which has a width is greater than the predetermined width following the recorded area (see Fig. 3) and wherein the record information is recorded such that a width between one and another unrecorded areas, prepared by control of said fourth controlling device, has a size greater than the predetermined width (see Fig. 3); and said first controlling device controls said recording device to record the record information into an object area portion other

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than at least one portion of an edge portion of the first object area (see Fig. 3); and said second controlling device controls said recording device to record the record information into the at least one portion which is adjacent to the second object area.

Regarding claim 27, see rejection above of claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuroda US 2002/0103431.

Matsuba US 7,385,897.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN T PHAM/

Examiner, Art Unit 2627

/Wayne Young/

Supervisor Patent Examiner, Art Unit 2627

